

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36, 38-41, and 43-49 are pending in the present application, Claims 1, 7, 12, 18, 23, 29, 34, 39, 44, 46, 48, and 49 are amended, and Claims 37 and 42 are canceled without prejudice or disclaimer. No new matter is added.

In the outstanding Office Action, the drawings were objected to because they include reference characters not mentioned in the specification; the specification was objected to; Claims 34, 35, 39, 40, and 44-49 were rejected under 35 U.S.C. §102(e) as anticipated by Honma (U.S. Patent No. 6,304,313); Claims 1-11, 36-38, and 41-43 were rejected under 35 U.S.C. §103(a) as unpatentable over Honma in view of Safai et al. (U.S. Patent No. 6,167,469, hereinafter Safai); and Claims 12-33 were rejected under 35 U.S.C. §103(a) as unpatentable over Honma in view of Safai, and further in view of Fellegara et al. (U.S. Patent Publication No. 2001/0015760).

Applicant thanks the Examiners for the courtesy of an interview extended to Applicant's representatives on June 29, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action, were discussed. Clarifying claim amendments were also discussed. The present response sets forth the discussed claim amendments. The Examiner's stated that they agreed that the amendments to Claims 44 and 46 overcome the prior art with respect to Figs. 4A-4C of Honma, and the Examiner's agreed that the amendments to Claims 34, 39, 48, and 49 overcome the prior art with respect to Fig. 4E of Safai. The Examiners indicated they would need to further search and consider Claims 1, 7, 12, 18, 23, and 29, as amended. Arguments and amendments presented during the interview are reiterated below.

With respect to the objection to the drawings and specification, the specification is amended to correct the informalities identified in the Office Action, without adding new matter. Accordingly, Applicant respectfully submits that the objection to the drawings and specification is overcome.

With respect to the rejection of Claim 34 as anticipated by Honma, Applicant respectfully traverses the rejection because Honma does not teach or suggest every element of Claim 34, as amended. Claim 34 is amended to include the subject matter of Claim 37.

Amended Claim 34 recites, *inter alia*, “said display unit displays guidance to notify a shooting condition of a text while displaying on the monitor the video of the subject before being shot and said display unit controls display and non-display of the guidance on said monitor depending on a transmission destination.” Honma does not teach or suggest these elements of amended Claim 34.

The outstanding Office Action relies on Fig. 4E of Safai to describe the claimed “said display unit controls display and non-display of the guidance on said monitor depending on a transmission destination.” However, Fig. 4E merely depicts an email address shown with message box 464. Safai does not describe or suggest that a display unit controls display and non-display of the guidance on the monitor depending on a transmission destination. Safai describes no link between the email address and message box 464.

Furthermore, message box 464 does not describe or suggest the claimed “guidance to notify a shooting condition of a text while displaying on the monitor the video of the subject before being shot.” Message box 464 does not notify a shooting condition. Message box 464, as shown in Fig. 4E, notifies a user to connect the camera to a phone line.

Honma and Fellagara do not cure the above-noted deficiencies of Safai because Honma and Fellagara also do not teach or suggest “said display unit controls display and non-display of the guidance on said monitor depending on a transmission destination.”

In view of the above-noted distinctions, Applicant respectfully submits that Claim 34 (and Claim 35) patentably distinguishes over Honma, Safai, and Fellagara, alone or in combination. In addition, Applicant respectfully submits that Claims 39, 48, and 49 (and Claims 40, 41, and 43) patentably distinguishes over Honma, Safai, and Fellagara, alone or in combination for similar reasons as discussed above.

With respect to the rejection of Claim 44 as anticipated by Honma, Applicant respectfully traverses the rejection because Honma does not teach or suggest every element of Claim 44, as amended.

Amended Claim 44 recites, *inter alia*, “a shooting angle detecting unit which detects a shooting angle of the digital camera with respect to the subject, wherein, in the text shooting mode, shooting is started when the shooting angle of the digital camera with respect to the subject becomes substantially perpendicular.” Honma does not teach or suggest this element of Claim 44.

The Office Action asserts that perspective correction processor 109 equates to the claimed “shooting angle detecting unit.”¹ Perspective correction processor 109 does not detect a shooting angle of the digital camera with respect to the subject. Figs. 4A-4C shows examples of instructions in perspective correction. Fig. 4A shows rotation of an entire image to correct slanting, and Figs. 4B and 4C show trapezoid correction. Neither of these perspective corrections determines a shooting angle of the digital camera with respect to the subject.

Furthermore, Honma does not describe or suggest shooting the text when the shooting angle of the camera with respect to the subject becomes substantially perpendicular. In Honma perspective correction occurs after the image has been taken by the camera, and thus cannot determine when shooting starts.

¹ Office Action, page 5.

In view of the above-noted distinctions, Applicant respectfully submits that Claim 44 (and Claim 45) patentably distinguish over Honma. In addition, Applicant respectfully submits that Claim 46 (and Claim 47) patentably distinguish over Honma for at least the reasons stated for Claim 44.

With respect to the rejection of Claims 1 and 7 as unpatentable over the combination of Honma and Safai and the rejection of Claims 12, 18, 23, and 29 as unpatentable over the combination of Honma, Safai, and Fellegara, Applicant respectfully traverses the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness by asserting prior art that, no matter how the prior art references are combined, does not teach every element of independent Claims 1, 7, 12, 18, 23, and 29, as amended.

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that three criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements.

Amended Claim 1 recites, *inter alia*, “the image processing unit detects a shooting angle of the digital camera with respect to the subject.” The combination of teachings of Honma and Safai does not teach or suggest this element of amended Claim 1.

Honma does not teach or suggest “the image processing unit detects a shooting angle of the digital camera with respect to the subject” for at least the reasons stated for Claim 44.

Safai does not cure the deficiency in Honma. Safai provides no description or suggestion to detect a shooting angle of the digital camera with respect to the subject.

Thus, in view of the above-noted distinctions, Applicant respectfully submits that Claims 1 and 7 (and Claims 2-6 and 8-12) patentably distinguish over Honma and Safai, alone or in combination.

With respect to the rejection of Claims 12, 18, 23, and 29 as unpatentable over the combination of Honma, Safai, and Fellegara, Applicant respectfully traverses the rejection. Amended Claims 12, 18, 23, and 29 recite, *inter alia*, “the image processing unit detects a shooting angle of the digital camera with respect to the subject.” The combination of teachings of Honma, Safai and Fellegara do not teach or suggest this element of amended Claims 12, 18, 23, and 29.

Honma and Safai do not teach or suggest “the image processing unit detects a shooting angle of the digital camera with respect to the subject” for at least the reasons stated for Claims 1 and 44.

Fellegara does not cure the deficiency in Honma and Safai. Fellegara provides no description or suggestion to detect a shooting angle of the digital camera with respect to the subject.

In view of the above-noted distinctions, Applicant respectfully submits that Claims 12, 18, 23, and 29 (and Claims 13-17, 19-22, and 24-28) patentably distinguish over Honma, Safai, and Fellegara, alone or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.


Respectfully submitted,

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